

*UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS*

MICHAEL BEHAYLO,

Plaintiff,

vs.

THE TOP-FLITE GOLF COMPANY,

Defendant.

CIVIL ACTION NO. 05-30178-KPN

**DEFENDANT'S MOTION TO ALLOW  
MEMORANDUM IN EXCESS OF  
TWENTY PAGES**

NOW COMES Defendant, The Top-Flite Golf Company, and pursuant to the Local Rules of the District Court of Massachusetts moves for permission to file a Memorandum of Law in Support of Its Motion for Summary Judgment that is in excess of twenty pages. The Statement and the Memorandum, filed with this Motion, seeks dismissal of the entire case and deals with a variety of issues raised by the Complaint, including whether Plaintiff was laid off because of his age in violation of the Age Discrimination in Employment Act and Chapter 151B, whether an agreed upon Release of Claims bars the prosecution of the state law claim, and, in the event summary judgment is denied, whether partial summary judgment limiting damages is appropriate in light of subsequent reorganization and total discontinuation of Plaintiff's former job duties.

Allowing this motion will assist the court in ruling on this dispositive motion.

Respectfully Submitted,

/s/ Jay M. Presser, Esq.

Jay M. Presser, Esq.

BBO #405760

Counsel for Defendant

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Dated: November 30, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Defendant's Motion to Allow Memorandum in Excess of Twenty Pages* was served upon the attorney of record for each other party via electronic filing on November 30, 2006.

/s/ Jay M. Presser, Esq.

Jay M. Presser, Esq.